

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Promoting Technological Solutions to Combat	)	GN Docket No. 13-111
Contraband Wireless Device Use in	)	
Correctional Facilities	)	
_____	)	

**COMMENTS OF GLOBAL TEL\*LINK CORPORATION**

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**COMMENTS OF GLOBAL TEL\*LINK CORPORATION**

Global Tel\*Link Corporation (“GTL”),<sup>1</sup> by its attorneys, respectfully submits these Comments in the above-captioned proceeding, which was initiated to facilitate technological solutions and remove barriers to the development and viability of existing and future technologies used to combat contraband wireless devices in correctional facilities.<sup>2</sup>

**INTRODUCTION AND OVERVIEW**

GTL is a leading provider of inmate calling services (“ICS”), software solutions, and equipment used in correctional facilities throughout the United States. The company offers an integrated package of services, software, and equipment on a contract basis tailored to meet the unique security and public safety demands of each correctional facility customer. GTL serves correctional facilities of all types and sizes, ranging from municipal and county jails housing fewer than ten inmates to state and federal maximum-security systems housing tens of thousands of inmates. Its customers include publicly and privately managed institutions, minimum-security and maximum-security facilities, correctional mental health facilities, remote work camps,

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<sup>1</sup> These comments are filed by GTL on behalf of itself and its wholly owned subsidiaries that also provide inmate calling services: DSI-ITI, LLC, Public Communications Services, Inc., and Value-Added Communications, Inc.

<sup>2</sup> *Promoting Technological Solutions to Combat Contraband Wireless Device Use in Correctional Facilities*, 32 FCC Rcd 2336 (2017) (“*Order and FNPRM*”).

correctional facilities in urban and rural locations, facilities that hold inmates for a short time, and those that house inmates for extended periods.

GTL has been involved directly in the development and provision of managed access systems (“MAS”), Contraband Interdiction Systems (“CIS”), and other techniques to deter the use of contraband wireless devices in the correctional facility environment. GTL’s experience demonstrates that mandating a one-size-fits-all technical solution is not workable. While GTL appreciates the Commission’s efforts to “combat the serious threats posed by the illegal use of contraband wireless devices by inmates,”<sup>3</sup> a correctional facility should not be restricted from using the technical solution that best meets its specific and unique needs.

Further, any policy, rules, and regulations designed to combat contraband wireless devices in correctional facilities will only be successful if the Commission takes all necessary steps to ensure wireless carriers actively and fully participate in the development and deployment of the technical solutions needed to stop the use of contraband wireless devices in correctional facilities. Wireless carriers must be partners in the process, and work cooperatively and collaboratively with all stakeholders, including inmate calling service providers, correctional facilities, and technology vendors. No technological approach will be successful until all wireless carriers are required to be part of the solution.

Finally, the Commission should address how solutions to combat contraband devices will be funded. There is a growing trend to require inmate calling service providers to include MAS-like services in the bundle of services provided to correctional facilities. In light of the high cost to implement the technologies needed to fight against contraband devices, without a Commission-sanctioned cost recovery mechanism, the rates for inmate calling services are likely

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<sup>3</sup> *Order and FNPRM* ¶ 1.

to increase when such solutions are required by correctional facilities. It is therefore essential for the Commission to address directly the funding of MAS and other solutions for combatting contraband wireless devices in correctional facilities.

**I. THE COMMISSION’S RULES SHOULD EMBRACE A VARIETY OF TECHNOLOGIES AND SOLUTIONS TO COMBAT CONTRABAND WIRELESS DEVICES IN CORRECTIONAL FACILITIES**

The Commission should avoid limiting the technologies that can be used to combat contraband wireless devices in correctional facilities.<sup>4</sup> The better approach is to permit the use of any and all solutions that will assist correctional facilities in eliminating this significant security threat. The Commission’s focus should not be on a single solution to solve the problem of contraband wireless devices. The “problem will not be solved by technology, people, dogs or service carriers alone” as “facilities need many tools made available to combat this problem.”<sup>5</sup>

In GTL’s experience, there is no one solution that is best in all circumstances as a correctional facility’s specific needs and requirements will vary based on facility size, type, location, and other factors.<sup>6</sup> For example, MAS may be a cost-prohibitive solution for a facility given the complex technical components and staggering costs needed to deploy the system.<sup>7</sup> Depending on the size of the facility, the number of sites within a facility complex, the surrounding geography from a topographical and urban versus rural standpoint, the architectural structure of the facility, and the ongoing system maintenance and software upgrades, costs to deploy MAS can start at \$1.5 million or more per facility, and will continue to grow over time to

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<sup>4</sup> *Order and FNPRM* ¶ 94.

<sup>5</sup> Arizona Department of Corrections 2017 Comments at 1 (emphasis added).

<sup>6</sup> *See, e.g.,* U.S. Government Accountability Office Report to Congressional Committees, Bureau of Prisons, *Improved Evaluations and Increased Coordination Could Improve Cell Phone Detection* (Sept. 2011) (finding that technologies designed to reduce or eliminate contraband cellphone use vary depending on the complexity of the prison site, the system used, and the sophistication of the technology used).

<sup>7</sup> *See, e.g.,* Arizona Department of Corrections 2017 Comments at 2 (noting the “tools offered today have thus far been marginally effective, and cost prohibitive”).

cover costs related to system upgrades and maintenance.<sup>8</sup> This does not include any of the regulatory costs for authority to operate such systems. While the Commission has streamlined the licensing process to some extent, it remains overwhelming and costly for many correctional facilities to implement.<sup>9</sup> As Commissioner O’Rielly points out: “It seems like these systems are expensive and that there are alternatives, such as metal detectors, that are cheaper and potentially more effective at detecting all contraband, including cellphones.”<sup>10</sup>

The Commission recognizes there are “other technological solutions to address the problem of contraband wireless devices in correctional facilities.”<sup>11</sup> GTL’s experience also supports this, and demonstrates it is more effective and fiscally feasible to implement a blended strategy that uses multiple technologies that can be tailored to meet the unique requirements of an individual correctional facility.<sup>12</sup> GTL’s approach is based on detection, extraction, and analysis, which in GTL’s view, provides a better alternative to a straight MAS or CIS deployment.<sup>13</sup> For example, GTL uses ferrous metal detection devices, body and baggage metal detectors, and other tools designed to stop the introduction of contraband in the first place.<sup>14</sup>

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<sup>8</sup> GN Docket No. 13-111, Global Tel\*Link Corporation Notice of Ex Parte (Apr. 21, 2016).

<sup>9</sup> See, e.g., Tennessee Department of Corrections 2017 Comments at 5 (“Currently, managed access solutions are complicated and expensive to implement with costs exceeding on million dollars per site and are ineffective. Streamlining the application process is appreciated, however, the cost of the licensing represents a very small percentage of the total cost and managed access is both easily defeated and an ‘after the fact’ solution.”); see also, e.g., *Order and FNPRM* ¶ 77 (recognizing there are “some costs” in connection with the new licensing process).

<sup>10</sup> *Order and FNPRM*, Statement of Commissioner Michael O’Rielly.

<sup>11</sup> *Order and FNPRM* ¶ 122.

<sup>12</sup> GTL Blended Technology Strategy to Combat Contraband Cell Phones in Prisons Continues to Stop Supply and Demand, Press Release (Oct. 31, 2016), <http://www.gtl.net/gtl-blended-technology-strategy-to-combat-contraband-cell-phones-in-prisons-continues-to-stop-supply-and-demand/>.

<sup>13</sup> GTL Mobile IQ Product Suite Launched as Affordable and Reliable Means of Eliminating Cell Phones in Correctional Facilities, Press Release (May 20, 2016), <http://www.gtl.net/gtl-mobile-iq-product-suite-launched-as-affordable-and-reliable-means-of-eliminating-cell-phones-in-correctional-facilities/>

<sup>14</sup> GTL Blended Technology Strategy to Combat Contraband Cell Phones in Prisons Continues to Stop Supply and Demand, Press Release (Oct. 31, 2016), <http://www.gtl.net/gtl-blended-technology-strategy-to-combat-contraband-cell-phones-in-prisons-continues-to-stop-supply-and-demand/>.

Accordingly, GTL offers the following comments on other potential solutions<sup>15</sup> to the problem of contraband wireless devices in correctional facilities that can be used in conjunction with or in lieu of costly MAS or CIS deployments:

*Beacon technology.*<sup>16</sup> Beacon technology renders a wireless device incapable of use, and relies on the interaction between hardware strategically placed in the correctional facility with software embedded in wireless devices.<sup>17</sup> When the hardware is activated, it acts like a beacon and any wireless device in range will alert correctional officials with loud, automated voice commands, followed by a complete system shutdown of the device.<sup>18</sup> Not only could this solution be used to shut down wireless devices completely,<sup>19</sup> it also could be used to prevent SIM card transfer, which is another way in which inmates can access unauthorized wireless devices given that SIM cards are very small and easily transferrable within the correctional environment.<sup>20</sup> According to one provider of beacon systems, the technology relies on a two-part system – one part software and one part hardware.<sup>21</sup> Thus, like many of the other technological solutions available to combat contraband wireless devices, the successful implementation of a beacon system requires the cooperation and assistance of wireless carriers to

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<sup>15</sup> *Order and FNPRM* ¶ 132 (seeking “comment on any other new technology designed to combat the problem of contraband wireless devices in correctional facilities”).

<sup>16</sup> *Order and FNPRM* ¶ 130.

<sup>17</sup> *See, e.g.*, GN Docket No. 13-111, Try Safety First, Inc. Notice of Ex Parte (Mar. 8, 2017).

<sup>18</sup> Cell Command, Inc., *The Prison Protocol: Technology Disables 100% of Contraband Cell Phones*, <http://cellcommand.tech/>. Importantly, Cell Command notes that emergency 911 services will remain available if required.

<sup>19</sup> As the Commission notes, some of the other technology proposals may not prevent an inmate from using the wireless device for taking videos or otherwise disseminating or sharing information. *See Order and FNPRM* ¶ 130; *see also* WC Docket No. 13-111, Try Safety First, Inc. Notice of Ex Parte (Feb. 20, 2017).

<sup>20</sup> Try Safety First, Inc., *White Paper with Peer Review Analysis* (2016), <http://cellcommand.tech/Peer%20Reviewed%20White%20Paper%20on%20Technology%20To%20Disable%20Contraband%20Cell%20Phones%209-4-16.pdf>.

<sup>21</sup> Cell Command, Inc., *The Prison Protocol: Technology Disables 100% of Contraband Cell Phones*, <http://cellcommand.tech/>.

ensure the necessary software protocols are incorporated into wireless products.<sup>22</sup> As NTIA recognized in 2010, this type of “solution is predicated upon standardized protocols being developed, adopted, and implemented by the wireless industry” and thus “this potential solution will not come to fruition until the wireless industry adopts standardized protocols for wireless mobile devices.”<sup>23</sup>

*TSA-style security/screening technologies.* New scanning technologies and the use of upgraded metal detectors have assisted correctional facilities in detecting incoming contraband, including contraband wireless devices. The upgraded scanning and detection devices allow correctional officers to see inside containers, and even inside the human body. The Hamilton County Jail in Indiana has been using a scanner at a cost of about \$150,000 to detect contraband smuggled inside the jail,<sup>24</sup> which is significantly less than a managed access system. Similarly, the California Department of Corrections and Rehabilitation has installed numerous metal detectors, X-ray machines for scanning packages, low-dose X-ray scanners, hidden surveillance cameras, devices to decrypt and analyze wireless devices, and scanners that detect magnetic signals in order to combat contraband wireless devices from entering its facilities.<sup>25</sup>

*Wireless device detection dogs.* Some correctional facilities have employed canines to detect and locate contraband wireless devices, similar to the way in which dogs are used to locate

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<sup>22</sup> See, e.g., GN Docket No. 13-111, Try Safety First, Inc. Notice of Ex Parte (June 14, 2016).

<sup>23</sup> National Telecommunications & Information Administration, United States Department of Commerce, *Contraband Cell Phones in Prisons: Possible Wireless Technology Solutions*, at 35 (Dec. 29, 2010).

<sup>24</sup> Tanae Howard, *New jail scanners crack down on incoming contraband*, FOX 59 (June 23, 2015), <http://fox59.com/2015/06/23/new-jail-scanners-cracking-down-on-contraband-being-brought-it-from-the-outside/>.

<sup>25</sup> Don Thompson, *California tries again to thwart prison cellphone smuggling*, U.S. NEWS & WORLD REPORT (Dec. 18, 2016), <https://www.usnews.com/news/technology/articles/2016-12-18/california-tries-again-to-thwart-prison-cellphone-smuggling>.



other contraband materials in the correctional environment.<sup>26</sup> In California, for example, detection dogs are used to find contraband cellphones, Bluetooth signals, and wireless cards.<sup>27</sup> Similarly, the Indiana Department of Corrections routinely uses specially trained detection dogs to detect and locate lithium batteries used in wireless devices.<sup>28</sup> Reports indicate detection dogs also are being used in Florida, New Jersey, Ohio, and Virginia to locate contraband wireless devices.<sup>29</sup>

*Network-based solutions.*<sup>30</sup> Wireless carriers are “acquiring new and better ways of more accurately determining the precise location of a wireless device,” which could prove useful for identifying and disabling contraband wireless devices in correctional facilities.<sup>31</sup> This is similar to the existing technology used by wireless carriers for 911 location accuracy,<sup>32</sup> the Wireless Emergency Alert (“WEA”) system,<sup>33</sup> or to provide call location information in the case of an emergency.<sup>34</sup>

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<sup>26</sup> Jo Craven McGinty, *Making Sense of a Dog’s Olfactory Powers*, THE WALL STREET JOURNAL (Mar. 24, 2017), <https://www.wsj.com/articles/making-sense-of-a-dogs-olfactory-powers-1490347803>.

<sup>27</sup> Mia De Graaf, *Meet Draco: The police dog who has sniffed out more than 1,000 cell phones in one California prison*, DAILY MAIL.COM (Nov. 13, 2014), <http://www.dailymail.co.uk/news/article-2833453/Meet-Drako-police-dog-sniffed-1-000-cell-phones-one-California-prison.html>.

<sup>28</sup> Indiana Department of Corrections, *Changing Lives*, 2013 Annual Report, <https://www.in.gov/idoc/files/2013.DOCAnRep.Final.pdf>

<sup>29</sup> Stanley Coren, *Cell Phone Sniffing Dogs: A New Weapon Against High Tech Crime*, PSYCHOLOGY TODAY (Dec. 18, 2011).

<sup>30</sup> *Order and FNPRM* ¶ 128.

<sup>31</sup> *Order and FNPRM* ¶ 128.

<sup>32</sup> See, e.g., Dale N. Hatfield, *A Report on Technical and Operational Issues Impacting the Provision of Wireless Enhanced 911 Services*, Prepared for the Fed. Comm. Comm’n, [http://www.emergentcomm.com/documents/Supporting\\_Documents/hatfield\\_report1.pdf](http://www.emergentcomm.com/documents/Supporting_Documents/hatfield_report1.pdf).

<sup>33</sup> Wireless Emergency Alerts are free, text-like notifications that can be used to inform the public of dangerous situations, presidential alerts, or AMBER Alerts. See <https://www.ctia.org/consumer-tips/how-wireless-emergency-alerts-help-save-lives>.

<sup>34</sup> *Order and FNPRM* ¶ 128.

*Quiet Zones.*<sup>35</sup> As noted in the *Order and FNPRM*, the creation of “dead zones” or “quiet zones” around correctional facilities is another option to be explored.<sup>36</sup> Under this approach, areas in and around the correctional facility would be considered outside of the authorized area of the wireless provider, permitting any wireless signals from the facility to be blocked by the wireless provider. It appears this methodology would be workable for most maximum security prisons that are not close to public access areas if Commission-defined parameters were met prior to implementation.<sup>37</sup>

*Jamming.* GTL supports the use of jamming technologies when appropriate for a particular correctional facility setting. Earlier in this proceeding, many commenters urged the Commission to permit jamming as it often is the most cost-effective and operationally-effective solution to eliminating contraband devices.<sup>38</sup> This is particularly true for correctional facilities located in rural areas where there is little, if any, chance of interference with legitimate wireless signals.<sup>39</sup> Jamming technology is an effective tool for stopping unauthorized wireless signals,<sup>40</sup> and when engineered properly, it does not raise issues for legitimate wireless users. Correctional facilities should be permitted to implement jamming technologies under stringent parameters to address potential “overjamming” outside of correctional facility walls.<sup>41</sup>

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<sup>35</sup> *Order and FNPRM* ¶ 123.

<sup>36</sup> *Order and FNPRM* ¶¶ 123-27.

<sup>37</sup> *Order and FNPRM* ¶ 124; *see also* Marcus 2013 Comments at 29.

<sup>38</sup> *See, e.g.,* American Correctional Association 2013 Comments at 2; CellAntenna 2013 Comments at 1; Indiana DOC 2013 Comments at 1; Maryland 2013 Comments at 4; NCIC 2013 Comments at 2; Oklahoma Corrections Professionals 2013 Comments at 1.

<sup>39</sup> Maryland Department of Public Safety and Correctional Services 2013 Comments at 4.

<sup>40</sup> *See, e.g.,* Tennessee Department of Corrections 2017 Comments at 1, 5 (asking the Commission “to authorize the deployment of jamming technology” given that it “requires no specialized hardware in order to operate” and is “very inexpensive to build and maintain”).

<sup>41</sup> PM11WT, *Global Tel\*Link Corp. Request for Amendment of Sections 22.3(b), 1.931 and Subpart X of the Commission’s Rules and Creation of New Rule(s) to Authorize a Plurality of Technical Solutions to Eradicate the Unauthorized Use of Wireless Devices in Correctional Facilities*, Petition for Rulemaking of Global Tel\*Link

*Deployment of tablets.* The deployment of handheld tablets and other personal computing devices to inmates could reduce inmate demand for contraband wireless devices and trigger other benefits that lead to reduced recidivism.<sup>42</sup> The tablets deployed by GTL use a private managed network, which ensures correctional facility security protocols are followed, such as the ability to monitor communications and control inmate access to information.<sup>43</sup> The tablets allow an inmate to access music, games, education, and calling capabilities, which allow “prisoners to entertain themselves, educate themselves and maintain communication with near and dear ones so they can foster skills and relationships to better reintegrate into society upon release.”<sup>44</sup> The use of tablets in the correctional environment also reduces the ability of inmates to exchange or obtain contraband,<sup>45</sup> and lessens conflicts surrounding the use of traditional inmate phones.<sup>46</sup> The Commission should ensure that its rules continue to promote the

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Corporation, 19-22 (filed July 20, 2011) (“GTL Petition”). The GTL Petition has been incorporated into this proceeding. *See Promoting Technological Solutions to Combat Contraband Wireless Device Use in Correctional Facilities, et al.*, 28 FCC Rcd 6603, ¶ 52, n.167 (2013) (“2013 NPRM”).

<sup>42</sup> See, e.g., Tammy Waitt, *GTL Reducing Recidivism with Educational Inmate Ops*, americansecuritytoday.com (May 4, 2017), <https://americansecuritytoday.com/gtl-reducing-recidivism-educational-inmate-ops-video/>; *Prison inmates might be getting free tablets for some reason*, NEW YORK POST (Mar. 29, 2017), <http://nypost.com/2017/03/29/prison-inmates-might-be-getting-free-tablets-for-some-reason/>; Anne Field, *Fighting Recidivism with Tablet-Based Education in Prisons*, FORBES (Nov. 19, 2015), <https://www.forbes.com/sites/annefield/2015/11/19/fighting-recidivism-with-tablet-based-education-in-prisons/#4b9428122b6b>; Prison Reform: Reducing Recidivism by Strengthening the Federal Bureau of Prisons (discussing the launch of a tablet-based pilot program for inmate education), <https://www.justice.gov/archives/prison-reform>.

<sup>43</sup> See, e.g., GN Docket No. 13-111, Global Tel\*Link Corporation Notice of Ex Parte (Feb. 22, 2017); *see also* GTL Deploys Groundbreaking New Inspire Correctional Tablets, Press Release (June 4, 2015), <http://www.gtl.net/gtl-deploys-groundbreaking-new-inspire-correctional-tablets/>.

<sup>44</sup> Ananya Bhattacharya, *This is the tablet prisoners use*, CNN TECH (July 23, 2015), <http://money.cnn.com/2015/07/23/technology/jpay-prison-tablet/index.html>.

<sup>45</sup> GTL Inspire Inmate Tablet Now Offering eBooks Subscription, Press Release (April 17, 2017) (noting the use of tablets eliminates paper copies of books as another method of delivering contraband), <http://www.gtl.net/gtl-inspire-inmate-tablet-now-offering-ebooks-subscription/>.

<sup>46</sup> GTL Deploys Groundbreaking New Inspire Correctional Tablets, Press Release (June 4, 2015) (statement from Gregory Ahern, Alameda County Sheriff), <http://www.gtl.net/gtl-deploys-groundbreaking-new-inspire-correctional-tablets/>.

development and deployment of new technologies to inmates, which can simultaneously combat the contraband wireless problem and provide significant benefits to inmates.

In sum, as correctional facilities, vendors, ICS providers, and wireless carriers continue to gain experience in the fight against contraband wireless devices, new and additional technical solutions may become available. The Commission's rules should not favor one solution over another. Rather, the Commission should promote the testing, use, and implementation of varying technological solutions so that a correctional facility can select the solution that best meets its needs. The Association of State Correctional Administrators says it best: "Deployment of managed access and other technologies have proven that we need more, not fewer potential solutions."<sup>47</sup>

## **II. WIRELESS CARRIERS MUST BE AN ACTIVE PART OF THE SOLUTION TO EFFECTIVELY COMBAT CONTRABAND WIRELESS DEVICES**

There is no question that wireless carriers should be required to terminate service to contraband devices upon a valid request from authorized correctional facility personnel as well as any third-party entities designated by the correctional facility to request termination of service.<sup>48</sup> As the Commission recognizes, requiring a court order is "unnecessarily burdensome" and "it is far from clear that a CMRS provider that terminates service to a particular device based on a qualifying request would be exposed to any form of liability."<sup>49</sup> Numerous correctional facilities support a mandate for wireless carriers to terminate service to contraband devices,<sup>50</sup> and

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<sup>47</sup> Association of State Correctional Administrators 2017 Comments at 2.

<sup>48</sup> *Order and FNPRM* ¶¶ 83, 87.

<sup>49</sup> *Order and FNPRM* ¶¶ 83.

<sup>50</sup> *Order and FNPRM* ¶ 89.

other stakeholders support wireless termination as one of many possible solutions to combat the problem.<sup>51</sup>

Participation by and coordination with wireless carriers is essential to eliminating the use of unauthorized wireless devices in correctional facilities.<sup>52</sup> While the wireless industry has expressed support for the Commission's efforts to combat contraband wireless devices in correctional facilities, it continues to raise concerns about potential liability and the need for court orders before wireless carriers are willing to terminate service emanating from contraband wireless devices.<sup>53</sup> As the Commission has concluded, "the lack of cooperation of even one wireless provider can seriously degrade the effectiveness" of efforts to combat contraband wireless devices.<sup>54</sup>

The wireless industry must give contraband wireless devices the same attention it has given to other critical public safety issues. For example, on its own initiative, the wireless industry created the Wireless AMBER Alert program in 2005, which allowed members of the public to receive text-based AMBER Alerts on their mobile devices.<sup>55</sup> CTIA later hailed the program as a "key example of the wireless industry's commitment to harnessing the convenience and ubiquity of wireless technology to safeguard children."<sup>56</sup> In 2012, this program was retired in favor of the broader Wireless Emergency Alert system, which allows members of the public to

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<sup>51</sup> *Order and FNPRM* ¶¶ 92, 94.

<sup>52</sup> *2013 NPRM* ¶ 70.

<sup>53</sup> *See, e.g., Order and FNPRM* ¶¶ 85, 90, 91.

<sup>54</sup> *Order and FNPRM* ¶ 77.

<sup>55</sup> <http://www.missingkids.com/amber/wea>.

<sup>56</sup> MB Docket No. 09-26, *Implementation of the Child Safe Viewing Act*, Comments of CTIA – The Wireless Association (April 16, 2009).

receive many types of text-based alerts, including AMBER Alerts, on their mobile devices.<sup>57</sup> CTIA once again praised this “important program” as a “successful public-private partnership” that wireless providers “have voluntarily embraced” to save lives and protect citizens.<sup>58</sup> The wireless industry must similarly embrace solutions to stop the proliferation of contraband wireless devices in correctional facilities.

Further, the disabling of contraband wireless devices in correctional facilities is no different than the voluntary commitment made by the wireless industry known as the PROTECT Initiative. Under this initiative, wireless carriers have agreed to terminate service to stolen smartphones after the smartphone is identified as a stolen wireless device.<sup>59</sup> Building on that approach, consideration should be given to whether ICS providers could identify the International Mobile Equipment Identity (“IMEI”) associated with each mobile device unlawfully used in a correctional facility. The IMEI is a 15-digit number that is used to identify the device when it is used on a mobile phone network. Once intercepted, this information in turn could be communicated to the PROTECT database administrator for immediate deactivation of the phone by the appropriate wireless provider. Extending the PROTECT Initiative to the

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<sup>57</sup> Under the Warning, Alert, and Response Network (“WARN”) Act, wireless providers are encouraged to transmit emergency alerts to the public. *See The Commercial Mobile Alert System*, 22 FCC Rcd 21975, ¶ 1 (2007) (noting that the WARN Act requires the Commission to “enable commercial mobile service alerting capability for providers that elect to transmit emergency alerts”). Only pre-authorized national, state, or local governments may send emergency alerts regarding public safety emergencies using the WEA system. *See* Federal Communications Commission, Wireless Emergency Alerts (WEA), <https://www.fcc.gov/guides/wireless-emergency-alerts-wea>; *see also* Federal Emergency Management Agency, Frequently Asked Questions: Wireless Emergency Alerts, <https://www.fema.gov/frequently-asked-questions-wireless-emergency-alerts>

<sup>58</sup> CTIA Statement after the FCC Approved a NPRM on Wireless Emergency Alerts (Nov. 19, 2015), <https://www.ctia.org/industry-data/press-releases-details/press-releases/ctia-statement-after-the-fcc-approved-a-nprm-on-wireless-emergency-alerts>.

<sup>59</sup> 2013 NPRM ¶ 57; *see also* Prepared Remarks on Stolen Cell Phones Initiative of Federal Communications Commission Chairman Julius Genachowski, Washington D.C., 2 (Apr. 10, 2012), [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2012/db0410/DOC-313512A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2012/db0410/DOC-313512A1.pdf).

correctional environment augments and enhances the original intent of the Initiative - to increase public safety by removing the link between stolen wireless devices and profitability.<sup>60</sup>

The wireless industry's continued reluctance highlights the need for specific Commission action to ensure full participation by all wireless carriers, without hesitation or undue interference, in all solutions used to eliminate contraband wireless devices in correctional facilities.<sup>61</sup> It is imperative that the Commission require **all** wireless carriers to terminate unauthorized service when the conditions outlined in the *Order and FNPRM* are met, or otherwise participate in the deployment and implementation of any other technical solution selected by a correctional facility. As the Arizona Department of Corrections states, the Commission must "enlist or mandate the carriers in assisting correctional facilities to eliminate service to contraband wireless devices" as "this problem is not just a prison or jail problem, this is a societal problem."<sup>62</sup> Anything less than a full commitment by all wireless carriers would simply result in non-participating wireless carriers becoming the carrier of choice for inmates.<sup>63</sup>

### **III. ICS PROVIDERS CANNOT HAVE THE SOLE OBLIGATION TO FUND SOLUTIONS USED TO COMBAT CONTRABAND WIRELESS DEVICES**

Regardless of the technological solutions available to correctional facilities to combat contraband wireless devices, the question of how those solutions will be funded and by whom must be addressed. As previously discussed in this proceeding,<sup>64</sup> there is a growing trend requiring ICS providers to provide MAS, CIS, or other technical solutions to a correctional

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<sup>60</sup> Rolfe Winkler, *Carriers Band to Fight Cellphone Theft*, THE WALL STREET JOURNAL (Apr. 9, 2012), <https://www.wsj.com/articles/SB10001424052702303815404577334152199453024>.

<sup>61</sup> Association of State Correctional Administrators 2017 Comments at 2 ("all technological solutions require meaningful carrier action and cooperation; not mere lip-service").

<sup>62</sup> Arizona Department of Corrections 2017 Comments at 1.

<sup>63</sup> Florida DOC 2013 Comments at 2.

<sup>64</sup> See, e.g., Securus 2013 Comments at 7.

facility as a condition of securing a contract to provide ICS in the facility. For example, a recent Request for Proposal (“RFP”) for the Mississippi Department of Corrections (“DOC”) specified MAS should “be included with rate (cost) assumptions” for ICS.<sup>65</sup> Similarly, the Florida DOC stated potential vendors must provide a description of all value-added services the vendor is offering to the facility, including MAS.<sup>66</sup> In 2013, the Virginia DOC issued an RFP asking vendors to provide equipment and services to administer managed access services to DOC facilities, and in 2016, issued a further request for information on the deployment of managed access systems in the marketplace.<sup>67</sup>

Funding is a critical component in the deployment of any type of technical solution to combat contraband wireless devices in correctional facilities, and the Commission must address how these solutions will be funded. The obligation cannot fall upon ICS providers alone. The Commission should “examine the extent to which costs can be borne by carriers or shared nationally,”<sup>68</sup> similar to the E911 cost recovery mechanism,<sup>69</sup> or promote direct state efforts like those undertaken by the State of Maryland.<sup>70</sup> The type of technological solution chosen by a particular state or correctional facility will dictate the costs to implement that solution, and should drive the way in which the state or correctional facility recoups its costs. Without a Commission-sanctioned cost recovery mechanism, the rates for inmate calling services are likely

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<sup>65</sup> RFP Questions and Clarifications Memorandum for Vendors Responding to RFP Number 3897 for the Mississippi Department of Corrections (February 14, 2017), <http://rfps.its.ms.gov/Procurement/rfps/3897/3897%20amend%205.pdf>.

<sup>66</sup> Addendum #003, Inmate Telecommunications Services, FDC ITN-17-122 (February 7, 2017), [http://www.myflorida.com/apps/vbs/adoc/F18254\\_Addendum003Final.pdf](http://www.myflorida.com/apps/vbs/adoc/F18254_Addendum003Final.pdf).

<sup>67</sup> Request for Information, DOC 16-079, Inmate Electronic Communication Systems (March 4, 2016), [www.bidnet.com/bneattachments/?/388701283.docx](http://www.bidnet.com/bneattachments/?/388701283.docx).

<sup>68</sup> Maryland Department of Public Safety and Correctional Services 2013 Comments at 3.

<sup>69</sup> *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, 14 FCC Rcd 20850, ¶ 19 (1999); see also GTL 2013 Reply Comments at 12-14.

<sup>70</sup> *Analysis of the Maryland Executive Budget for the Fiscal Year Ending June 30, 2017* (April 2016), [http://mgaleg.maryland.gov/2016rs/key\\_fiscal\\_documents/vol1.pdf](http://mgaleg.maryland.gov/2016rs/key_fiscal_documents/vol1.pdf).



to increase when such solutions are required by correctional facilities. The Commission therefore should ensure its rules provide individual states or correctional facilities with sufficient options to structure solutions based on available funding mechanisms.

### **CONCLUSION**

Accordingly, GTL urges the Commission to allow the use of all possible technological solutions to combat the use of contraband wireless devices in correctional facilities, ensure its rules require wireless carriers to support the efficient operation of those solutions, and address the funding issues relating to those solutions.

Respectfully submitted,

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